

JAP:ZA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-09-211

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UNITED STATES OF AMERICA

- against -

ANTHONY BILFULCO,
also known as
"Anthony Bilfucco,"

Defendant.

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF APPLICATION FOR
ARREST WARRANT

(T. 18, U.S.C.,
§ 922(g)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

JOHN J. CAPOBIANCO, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), who is cross designated to the Joint Firearms Task Force with the Bureau of Alcohol, Tobacco and Firearms ("ATF"), duly appointed according to law and acting as such.

On or about October 31, 2008, within the Eastern District of New York, the defendant ANTHONY BILFULCO, also known as "Anthony Bilfucco," having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting commerce two firearms, to wit, a Hi-Point nine-millimeter semi-automatic pistol and a Mossberg 12-gauge pump-action shotgun and ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

(Title 18, United States Code, Section 922(g)(1)).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. I have been a Detective who is cross designated to the Joint Firearms Task Force ("JFTF") with ATF for approximately sixteen years, during which time I have investigated state and federal firearms offenses and firearms trafficking in New York City. I have been a New York City Police Detective for approximately nineteen years. The information set forth in this complaint is based on my own observations, interviews with law enforcement officers, and review of records of the NYPD and of ATF.

2. On or about October 30, 2008, a cooperating witness ("CW1") arrived at the apartment he shared with the defendant, ANTHONY BILFULCO, located at 2019 Coyle St. in Brooklyn, New York. BILFULCO was standing at the top of the entry stairwell pointing a pistol in the direction of CW1 and demanding to know who was there. When BILFULCO realized that the person entering the apartment was CW1, he tucked the pistol in his waistband.

3. Later that evening, into the early hours of October 31, 2008, ANTHONY BILFULCO, CW1, and another individual were watching a movie in BILFULCO's room in the Coyle Street

^{1/} Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

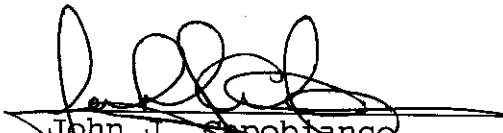
apartment. According to CW1, whenever he attempted to leave the room, BILFULCO pointed a pistol at him and demanded that he stay. This sequence of events transpired more than once. CW1 eventually managed to leave the apartment and contacted the NYPD later that day to report BILFULCO's having menaced CW1 with a gun.

4. NYPD officers obtained a search warrant for BILFULCO's 2019 Coyle Street apartment. They executed that search warrant on November 1, 2008. Within Bilfulco's bedroom in the apartment, officers recovered two firearms. They found a Hi-Point nine-millimeter semi-automatic pistol hidden under the mattress of BILFULCO's bed. They also found a Mossberg 12-gauge pump-action shotgun in the closet in BILFULCO's bedroom. BILFULCO was subsequently arrested that same day by the NYPD.

5. A criminal history check of the defendant ANTHONY BILFULCO revealed that the defendant had previously been convicted of a felony offense on November 16, 2000 in Kings County, New York for Attempted Robbery in the Second Degree, which is a crime punishable by a term of imprisonment exceeding one year.

6. I have spoken with an ATF interstate nexus expert who informs me that the above-mentioned Hi-Point semi-automatic pistol and Mossberg shotgun were manufactured outside the State of New York.

WHEREFORE, your deponent respectfully requests that the defendant ANTHONY BILFULCO, also known as "Anthony Bilfucco," be dealt with according to law.


John J. Spobianco
Detective
NYPD/ATF

Sworn to before me this
4th day of March, 2009

UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK